



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Robert K. Kelner, Esq.  
Derek Lawlor, Esq.  
Covington & Burling LLP  
1201 Pennsylvania Avenue, NW  
Washington, DC 20004-2401

**FEB 25 2015**

RE: MUR 6834  
Lynn Jenkins  
Lynn Jenkins for Congress and Heather Grote  
in her official capacity as treasurer  
William Roe

Dear Counsel:

On June 9, 2014, the Federal Election Commission notified your clients, Lynn Jenkins, Lynn Jenkins for Congress and Heather Grote in her official capacity as treasurer, and William Roe, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. On February 10, 2015, the Commission found, on the basis of the information in the complaint, and information provided by your clients, that there is no reason to believe that Lynn Jenkins violated 52 U.S.C. § 30116(f) (formerly 2 U.S.C. § 441a(f)), that Lynn Jenkins for Congress and Heather Grote in her official capacity as treasurer violated 52 U.S.C. §§ 30104(b) or 30116(f) (formerly 2 U.S.C. §§ 434(b) and 441a(f)), or that William Roe violated 52 U.S.C. § 30116(a)(1)(A) (formerly 2 U.S.C. § 441a(a)(1)(A)). Accordingly, the Commission closed its file in this matter.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66,132 (Dec. 14, 2009). The Factual and Legal Analysis, which explains the Commission's findings, is enclosed for your information.

Robert K. Kelner, Esq.  
Derek Lawlor, Esq.  
Page 2

If you have any questions, please contact Tracey L. Ligon, the attorney assigned to this matter at (202) 694-1650.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Allen". The signature is fluid and cursive, with the first name "Mark" and last name "Allen" clearly distinguishable.

Mark Allen  
Acting Assistant General Counsel

Enclosure  
Factual and Legal Analysis

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**FEDERAL ELECTION COMMISSION**

**FACTUAL AND LEGAL ANALYSIS**

**RESPONDENTS:** Lynn Jenkins

**MUR:** 6834

Lynn Jenkins for Congress and Heather Grote  
in her official capacity as treasurer

William Roe

**I. INTRODUCTION**

This matter was generated by a complaint filed with the Federal Election Commission alleging violations of the Federal Election Campaign Act of 1971, as amended (the "Act"), by Lynn Jenkins, Lynn Jenkins for Congress and Heather Grote in her official capacity as treasurer (the "Committee"), and William Roe.

**II. FACTUAL BACKGROUND**

Complainant alleges that Lynn Jenkins and the Committee violated the Act and Commission regulations by failing to report in-kind contributions in the form of services William A. Roe provided the Committee as "spokesperson and/or campaign manager."<sup>1</sup> In support, Complainant points to the 2013 Quarterly Statement of Disbursements for the House of Representatives, which indicates that Roe served as District Director of Representative Jenkins's official legislative staff;<sup>2</sup> Roe's LinkedIn profile, which reflects that he also served as campaign manager for Jenkins from February 2012 to the "present";<sup>3</sup> and multiple news articles listing Roe as the Committee's "spokesman" or "campaign manager."<sup>4</sup>

---

<sup>1</sup> Compl. at 3 (June 2, 2014).

<sup>2</sup> *Id.* at 2 & Exs. A-D.

<sup>3</sup> *Id.* at 2 & Ex. E.

<sup>4</sup> *Id.* at 3 & Exs. F-I.

In a joint response to the Complaint, Respondents argue that the services at issue, *i.e.*, those Roe provided the Committee from 2013 through the date of the Response, were not contributions, but rather volunteer services that did not need to be reported.<sup>5</sup> Specifically, Respondents assert that during the time period at issue, Roe worked full-time for, and received a full-time salary from, Jenkins's congressional office.<sup>6</sup> Respondents maintain that during "this period when the campaign [was] less active and needs [were] intermittent, Roe conducted any campaign-related activity in his personal time, above-and-beyond his official full-time work hours."<sup>7</sup>

Moreover, Respondents assert that Roe, who since 2010 has worked for Jenkins as District Representative and District Director in her congressional office and as Campaign Manager during campaign seasons, would reduce his time and salary in the congressional office and receive pay from the Committee when the campaign accelerated.<sup>8</sup> Finally, the Response states that Roe had simply failed to update his LinkedIn profile that listed his position as Jenkins's campaign manager, and the articles attached to the Complaint do not refer to Roe as "campaign manager."<sup>9</sup>

Because there is no information indicating that Roe received payment for the services at issue, and thus no basis to conclude that a contribution subject to reporting requirements

---

<sup>5</sup> Resp. at 1-2 (Aug. 4, 2014).

<sup>6</sup> *Id.* at 2.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.* at 2-3. Articles attached to the Complaint refer to Roe only as "campaign spokesman," Compl., Exs. F-1, and his LinkedIn profile was changed to reflect that he has been the "District Director for Congresswoman Lynn Jenkins Kansas 2nd District Offices" from March 2010 – "present," and worked for Lynn Jenkins for Congress as Campaign Manager from February 2012 – December 2012, and as Political Director from March 2010 – March 2012, *compare* Compl., Ex. E with Resp., Ex. 2.

resulted, the Commission finds that there is no reason to believe Respondents violated the Act and closes the file in this matter.

### III. LEGAL ANALYSIS

During the 2013-2014 election cycle, a person could not contribute more than an aggregate of \$2,600 to any candidate and his or her authorized political committees per election.<sup>10</sup> No candidate or political committee may knowingly accept any contribution in excess of the contribution limits.<sup>11</sup>

A "contribution" includes anything of value made by any person for the purpose of influencing any election for federal office or the payment by any person of compensation for the personal services of another person which is rendered to a political committee without charge for any purpose.<sup>12</sup> Authorized committees, such as the Jenkins Committee, must report all contributions in their disclosure reports.<sup>13</sup> Under the Act and the Commission's regulations, however, the term "contribution" does not include "the value of services provided without compensation by any individual who volunteers on behalf of a candidate or political committee."<sup>14</sup>

Here, there is no information in the Complaint indicating that Roe's activities were not volunteer services to the Committee. Moreover, the following information derived from House and FEC disclosure reports from the 2012 and 2014 election cycles is consistent with

---

<sup>10</sup> 52 U.S.C. § 30116(a)(1)(A) (formerly 2 U.S.C. § 441a(a)(1)(A)).

<sup>11</sup> 52 U.S.C. § 30116(f) (formerly 2 U.S.C. § 441a(f)).

<sup>12</sup> 52 U.S.C. § 30101(8)(A) (formerly 2 U.S.C. § 431(8)(A)); 11 C.F.R. § 100.52, 100.54.

<sup>13</sup> 52 U.S.C. § 30104(b); 11 C.F.R. § 104.3(a).

<sup>14</sup> 52 U.S.C. § 30101(8)(B)(i) (formerly 2 U.S.C. § 431(8)(B)(i)); *see also* 11 C.F.R. § 100.74.

the Committee's assertion that when the campaign accelerated, Roe reduced his time and salary in the congressional office and received pay from the Committee.<sup>15</sup>

Service Dates	Congressional Pay	Campaign Pay
First Quarter 2012	\$11,875	\$0
Second Quarter 2012	\$11,875	\$0
Third Quarter 2012 - 07/1/12-08/02/12	\$ 2,111	\$4,464
Third Quarter 2012 - 08/03/12-09/30/12	\$ 1,531 for Part-Time Employee	\$8,322
Fourth Quarter 2012 - 10/01/12-11/20/12	\$ 1,319 for Part-Time Employee	\$9,353
Fourth Quarter 2012 - 11/21/12-12/31/12	\$ 9,278	\$2,620
First Quarter 2013	\$14,791	\$0
Second Quarter 2013	\$16,250	\$0
Third Quarter 2013	\$16,250	\$0
Fourth Quarter 2013	\$17,500	\$0
First Quarter 2014	\$16,458	\$0
Second Quarter 2014	\$16,875	\$0
Third Quarter 2014	\$12,188	\$4,932

Because there is no information indicating that Roe received payment for the volunteer services he provided to the Committee from 2013 through the date of the Response, it appears that the services at issue did not constitute a contribution. Thus, the Commission finds that there is no reason to believe that Lynn Jenkins violated 52 U.S.C. § 30116(f) (formerly 2 U.S.C. § 441a(f)); that Lynn Jenkins for Congress and Heather Grote in her official capacity as treasurer violated 52 U.S.C. §§ 30104(b) or 30116(f) (formerly 2 U.S.C. §§ 434(b) and 441a(f)); or that William Roe violated 52 U.S.C. § 30116(a)(1)(A) (formerly 2 U.S.C. § 441a(a)(1)(A)).

<sup>15</sup> The Congressional pay figures are taken from 2012-2014 Quarterly Statements of Disbursements for the House of Representatives, which are available at <http://disbursements.house.gov> and <http://disbursements.house.gov/archive.shtml>. The campaign pay figures are from disclosure reports the Committee filed with the Commission during the same time period.